

**Guide to Review Proposed Amendments**  
Supplying Water to the Public, Promulgated Under  
the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399)

**Purpose of the Proposed Amendments:** In order to retain primary enforcement authority for the Public Water System Supervision Program, states must adopt regulations as stringent as the federal regulations. The U.S. Environmental Protection Agency promulgated amendments to the National Primary Drinking Water Regulations promulgated under the federal Safe Drinking Water Act of 1974, as amended. The federal rules are included in the proposed amendment.

The proposed amendment also updates and expands long-standing public water supplies' (PWS) requirements to address waterworks system construction, planning and operation; required training for water system operators; and rules to disperse grants for source water protection.

**Public Participation:** Stakeholders will meet to provide input to the Department of Environmental Quality (DEQ) on Friday, September 19, 2008, 8:30-11:30 a.m. in Constitution Hall, ConCon Room, Lansing. A public hearing will follow some time later.

**How to Use This Guide:** The amendment makes changes to the administrative rules, *Supplying Water to the Public*, R 325.10101 to R 325.12820 (Rules 101 to 2820). A stakeholder may choose to review only certain topics of the amendment. To review the proposed rules:

- Refer to the table of Topics of Proposed Rules.
- For more information on each topic, see the discussion following the table.
- Review the rules for the specific topic. The proposed rules are available on the Internet at <http://www.michigan.gov/deq>; select Water, Drinking Water, Community Water Supply, and then Proposed Rules. Download the appropriate range of rules. For example, to review Rule 602, download Part 6 and scroll to R 325.10602 (Rule 602). Normal text is to remain unchanged, ~~strikeout text~~ is to be removed; **bold** text is to be added.
- Bring input to the stakeholder meeting.

**Topics of Proposed Rules**

#	Topic	Rule
1	Applicability exceptions.	See below.
2	Establish a total coliform maximum contaminant level (MCL) violation.	Rule 602
3	Certified operator requirements.	Rule 1906a-1917
4	Requirements if adding chemicals that may affect public health.	Rule 1304 and 1502
5	Groundwater sources, adverse resource impact, computer generated delineations, raw and finished water sample taps.	Rules 801-830
6	Source water protection.	Rule 2801-2823
7	Requirements following infrastructure construction or repairs.	Rules 831, 1110, and 1117
8	Classification of adjacent PWS owned by the same person.	Rule 503
9	Adequate pressure in pumping facilities and distribution systems.	Rule 1015 and 1105
10	Federal Rules	See below

1. Applicability Exceptions; expand requirements: Exceptions exist for community water supplies (CWS) that serve facilities licensed annually by the state, such as manufactured housing communities and nursing homes, and for supplies that serve fewer than 50 service

## Guide to Review Proposed Amendments

connections or fewer than 200 people. The DEQ proposes to remove the exceptions and provide a phase-in period as explained in the following paragraphs and summarized in the table below:

<i>Applicability Exceptions</i>	<i>Rule</i>	<i>Currently Excepted</i>		<i>Phase-In Period</i>
		<i>Licensed Facilities</i>	<i>Small Supplies</i>	
Standby power	Rule 1206	CWS	CWS	6 years
Escrow fund and private ownership	Rules 1703-1713	CWS		None <sup>1</sup>
Contingency plans	Rules 2301-2304	CWS	CWS	3 years <sup>2</sup>
Distribution and raw water pumping capacity	Rule 1010		CWS	6 years
Cross Connection Control Program	Rule 504	CWS		6 years
General plans	Rules 1601-1606	CWS	CWS	6 years

<sup>1</sup> No phase-in period should be necessary because the change affects only new CWS, including PWS that expand to become CWS. The change does not affect existing CWS unless they change ownership.

<sup>2</sup> A short phase-in period should be sufficient for the excepted water supplies. Other CWS may update to the new requirements according to their update schedule in their existing contingency plan.

- Standby power: Requires CWS to supply water to the distribution system when power is interrupted to prevent introduction of contaminants during the loss of pressure. The change will provide public health protection to the same level afforded consumers in other similar CWS.
- Escrow fund and private ownership: Increases the escrow amount from \$100 to \$500 per unit and raises the minimum from \$5,000 to \$10,000 per CWS. This only affects new CWS, including PWS that expand to become CWS. The amendment will not affect existing CWS unless they change ownership. The change will ensure through an escrow fund that sufficient funds are available for repairs and maintenance if the privately owned CWS fails to meet requirements.
- Contingency plans: Requires all CWS to prepare contingency plans and expands the contingency plan to include elements of an emergency response plan already required under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188, thus reducing duplicative efforts. Existing CWS may update to the new requirements according to the update schedule in their existing contingency plan.
- Distribution and raw water pumping capacity and redundancy requirements: Requires all CWS to provide redundancy in distribution system pumping facilities. The change will ensure water is provided to the distribution system when one facility is not operating.
- Cross Connection Control Program: Expands applicability to all CWS to develop a plan to prevent backflow of contamination into the distribution system in the event of a loss in pressure.
- General plans: Expands planning requirements to project needed improvements. Proposed changes include requiring identification of low pressure areas under peak and fire flow conditions. Additional planning requirements include an inventory of water mains, service area maps depicting existing and future boundaries, and other plans that

## Guide to Review Proposed Amendments

impact the ability to provide service, ranging in scope from operation and maintenance programs to regional planning documents, if applicable. Certain of these requirements may apply to only municipal water supplies and may not apply to water supplies whose distribution system is primarily internal plumbing.

1a. Reliability studies: Expands planning requirements to include forecasted water supply needs for up to 20 years. Existing CWS may meet the new requirements by the next scheduled five-year update of their current reliability study.

2. Establish a total coliform MCL: Currently, a monitoring violation is incurred if repeat samples are not collected following a total coliform positive result. The amendment establishes an MCL violation if no repeat samples are collected to ensure PWS demonstrate compliance with the state drinking water standard. It is anticipated that the change would minimize missed monitoring events.

3. Certified operator requirements: To encourage a cross section of relevant training subjects, the amendment requires categorizing each course as technical, managerial, or other and establishing a minimum number of continuing education credits (CEC) from the technical or managerial categories during each training cycle according to the following table:

<i>Highest certification level held</i>	<i>Minimum number of continuing education training hours required to renew</i>	<i>Minimum number of continuing education training hours categorized as technical, managerial, or both</i>
1 or 2	24	18
3	24	12
4	12	6
5	9	no minimum

4. Requirements if adding chemicals that may affect public health: Provides for the protection of public health and regulatory oversight by applying current construction permit and monthly operation report requirements to water supplies that alter treatment or add chemicals that *may* affect public health. For example, the change would apply to water supplies that add chlorine for the purpose of improving taste and odor, but not necessarily for the purpose of public health protection. Adding chlorine *may* affect public health.

5. Groundwater sources, computer generated delineations, raw and finished water sample taps: Allows a water supply to use a computer generated model to delineate the contributing area of a water well instead of a more expensive engineering study. Further implements recent amendments to Sections 4 and 17 of Act 399 related to water withdrawals from waters of the state. Requires raw and finished water sample taps.

6. Source water protection: Expands rules to disperse grants to eligible CWS applicants to protect their surface water sources. This change is necessary when funds become available.

7. Requirements following infrastructure construction or repairs: Requires normal operating disinfection residual levels and total coliform sampling following installation or repair of infrastructure to ensure a high level of disinfectant does not mask the presence of coliform.

## Guide to Review Proposed Amendments

8. Classification of adjacent PWS owned by same person: Clarifies the classification of adjacent waterworks systems that are owned or operated by the same person. A CWS or noncommunity water supply (NCWS) that is adjacent to a PWS that is neither a CWS nor a NCWS may be considered a single PWS.
9. Adequate pressure in pumping facilities and distribution systems: Specifies a minimum pressure of 35 pounds per square inch (psi) under normal operating conditions and 20 psi during emergencies in pumping facilities and distribution systems.
10. Federal Rules: The following four federal rules will be adopted:

<i>Federal Rules</i>	<i>Rules*</i>
Long Term 2 Enhanced Surface Water Treatment Rule (LT2). Addresses <i>Cryptosporidium</i> treatment in PWS that use surface water or groundwater under the influence of surface water as a source.	Rules 611d to 611n and 720b to 720e
Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2). Further limits exposure to disinfection byproducts.	Rules 610d and 719g to 719n
Ground Water Rule (GWR). Establishes a risk-based approach for groundwater PWS that are vulnerable to fecal contamination. When a sample must be analyzed for a fecal indicator, <i>E. coli</i> shall be the fecal indicator used, or with department approval, enterococci or coliphage may be used (See Rule 739(1)(b), (c) and (d)(ii)(A) and 739(2)(d)).	Rules 612 to 612b, 702, and 739 to 739b
Lead and Copper Rule Short Term Revisions (LCR). Revises existing rules that limit exposure to lead and copper in drinking water.	Rules 604f and 710a to 710d

\*The rule numbers listed are the treatment techniques (Part 6) and the monitoring and reporting requirements (Part 7). Other provisions of these federal rules are found in Part 1 General Provisions (definitions), Part 4 Public Notification and Public Education, Part 15, Operating Reports and Recordkeeping, and Part 27 Laboratory Certification.

Finally, the amendment corrects errors, inconsistencies, omissions in the rules, deletes expired dates, and updates references and citations.

For more information, contact Jean Shekter or another rule manager, below:

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